IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3932 OF 1998

Gokhale Education Society, a registered Society under the Indian Societies Registration Act and Public Trusts Act, having their office at Prin. T.A. Kulkarni, Vidyanagar, Nasik, District Nasik) ...Petitioner

Versus

1. The State of Maharashtra through the Secretary Education Department, (Higher Education Deptt) Mantralaya, Mumbai.
2. Director of Education, (Higher Education) Central Building, Pune.
3. Joint Director of Higher Education Poona/Nasik Region, Pune) ...Respondents.

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Shri. M.B. Mehare, counsel for the Petitioner

Shri. S.K. Chincholikar, A.G.P. for Respondents.

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CORAM: DR. S. RADHAKRISHNAN AND
SMT. V.K. TAHILRAMANI, JJ.

DATED: 30TH NOVEMBER, 2005

ORAL JUDGMENT (PER DR. S. RADHAKRISHNAN, J.):-

1. Heard the learned counsel for the Petitioner and

learned A.G.P. for Respondents.

2. The Petitioner Society is running various educational institutions in the State of Maharashtra. It appears that the petitioner was desires to start a college mainly for imparting education in Computer Science and Electronics by named Hindustan Aeronautics Ltd. Institute of Applied Electronics and Computer Science. The said Institution was started in the campus of Hindustan Aeronautics Ltd. The Institute was granted permission by the State of Maharashtra on the basis of letter dated 03.10.1985. Wherein it is explicitly made clear that no grant in aid will be paid to the said college while granting permission to start the said college. There is also no dispute that subsequently the Government issued G.R. dated 24.9.1991 which also makes it abundantly clear that in any college wherein the subjects like Computer Science, Engineering Science and other related subjects are being taught, the sanction will be granted on a "permanently no grant basis". The Petitioner institution appears to have started college accepting the condition that they would be running the college on no grant basis. Now subsequently, the Petitioner is claiming grant even

though the Petitioner is imparting education in Computer Science and other related subjects.

3. We have perused the said G.R. dated 24.9.1991 as well as the letter dated 03.10.1985 issued by the State of Maharashtra to the Petitioner Institution wherein it is clearly mentioned that the permission to start the college would be on a no grant basis. Under this policy decision taken by the State of Maharashtra is concerned, such a policy of granting permission on a no grant basis, cannot be faulted and the action on the part of the Government in not granting any aid to the Petitioner Institution cannot be said to be illegal or irrational. Hence, we do not find any merit in the above petition. Rule stands discharged.

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